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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,422	07/17/2003	Kimitaka Watanabe	1419.1076	9618
21171	7590	04/04/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ROY, SIKHA	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/620,422

Applicant(s)

WATANABE ET AL.

Examiner

Sikha Roy

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1004,1104.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

The abstract of the disclosure is objected because it is long. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

### ***Claim Objections***

Claims 3, 4 and 6 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In claims 3 and 4 the limitation reciting 'the electrode section comprises a plurality of electrode pairs' has

Art Unit: 2879

already been claimed in claim 1 and hence these claims depending on claim 1 fail to further limit the subject matter of claim 1. In claim 6 the limitation reciting 'the electrode section comprises a plurality of electrode pairs' has already been claimed in claim 5 and hence claim 6 depending on claim 5 fail to further limit the subject matter of claim 5.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 5 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of copending Application No. 10/624,682. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims 1 and 5 are anticipated by claim 11 of application # 10/624,682. The limitation of 'voltage application unit for applying a predetermined voltage between the first and second electrodes' in the

Art Unit: 2879

instant application is inherent in claim 11 of application #10/624,682 reciting 'electrode pairs receiving an application of AC voltage'.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1 and 5 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of copending Application No. 10/637,574. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims 1 and 5 are anticipated by claim 3 of application # 10/637,574.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,727,647 to Fukuda et al., and further in view of U.S. Patent 6,144,156 to Lutschounig et al.

Regarding claim 1 Fukuda discloses (Figs. 1 and 2 column 4 lines 33-59, column 5 lines 6-21, 39-50) an electroluminescent light emitting device 10 comprising an electroluminescent sheet comprising light emitting layer 26 containing light-emitting elements therein, an electrode section 20 comprising a plurality of electrode pairs 16,18 which are disposed with predetermined arrangement, wherein each of the electrode pairs includes first and second electrodes electrically separated from each other with a spacing region  $W_k$  and disposed in one surface side (underneath) of the light emitting layer, an electrically conductive material 11 is placed on the other surface side of the light emitting layer. Fukuda further discloses (column 6 lines 54-67) when AC voltage is applied from a voltage application unit (an AC power source) between the first and second electrodes, portion of the light emitting layer corresponding to the placed electrically conductive material emits light. Fukuda discloses the width of the spacing region 0.3mm and the width dimension of each tooth of the first and second electrodes is selected within a range of about 1.0 to 3.0 mm.

Regarding claim 1, Fukuda discloses the claimed invention except for the limitation of width of the electrode being 0.2-0.5 mm.

The width of the first and second electrodes and the spacing between them determine the intensity and brightness of the light-emitting surface area. Lutschounig in analogous art of electroluminescent elements discloses (column 4 lines 1-10 Fig. 2) the electrodes 2a, 2b arranged so as to entirely cover the intended luminous surface 10 are interdigitated so that a meander-shaped intermediate space is formed and the width of the electrodes being between .05 to .5 mm. Therefore it would have been obvious to

Art Unit: 2879

one having ordinary skill in the art at the time the invention was made to provide the width of the first and second electrodes of Fukuda between .2 to .5 mm as disclosed by Lutschounig for providing desired uniform intensity through the light emitting surface area.

Claim 5 essentially recites the same limitation for an electroluminescent light emitting sheet as of claim 1 and hence is rejected for the same reason.

Regarding claim 2 Fukuda discloses (Fig. 2 column 6 lines 24-53) the electrically conductive material is attachable onto and detachable from (removed by wiping) from the other surface side of the light emitting layer.

Regarding claims 3,4 and 6 Fukuda discloses the electrode section comprising plurality of electrode pairs 16k and 18k.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,677,546 to Yu discloses electrode section comprising comb-like electrode pairs.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (703) 308-7382.

Art Unit: 2879

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.R.

Sikha Roy  
Patent Examiner  
Art Unit 2879

Karabi Guharay